



CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation



Biweekly Report—Period Ending July 29, 2000

BIC Marine Contractors, Inc., B-285814-1

BIC Marine Contractors has filed at GAO a protest of a contract award by NOAA for coral restoration and mooring installation. The protester responded to a market survey conducted by the COTR, but did not respond to the CBD notice so did not receive a copy of the solicitation. The agency report is due on August 9th. (Amy Freeman Pierce)

GFDL Supercomputer

CLDer Mark Langstein spent a “relaxing” week participating in negotiations and live test demonstrations on both coasts in the GFDL supercomputer acquisition. The negotiations went extremely well and we expect very competitive revised proposals from the remaining offerors. The prospects look favorable for the Princeton environmental research and forecasting site to acquire a powerful machine to begin the millennium in style. Mark is sad to report, however, that his restaurant choice at one of the LTD sites was, unfortunately, closed for summer vacation. Maybe next time!

Austin ADR

Ken Lechter completed our fourth mediation session with Judge Goodman of the GSBCA, and has proceeded through three of the approximately ten defined issues in this series of post completion claims on the Advanced Chemical Sciences Laboratory. Two of the three issues have been successfully mediated; however, in one case, we are at an impasse, and that issue may have to be litigated. Mediation sessions have been scheduled approximately once every two weeks. The next mediation session, for the fourth issue, is scheduled for August 4th

VTI Corpotation v. DOC (GAO No. B-285577-1)

GAO dismissed the protest because the protestor failed to timely file comments to the agency report. (Fred Kopatich)

Agency Protest of James B. Donaghey, Inc.

The NOAA Protest Decision Authority signed the opinion denying the protest after making minor changes from our draft. . (Fred Kopatich)

EASC

Ed Weber is continuing to advise the EASC Contracting

Officer and NOAA/NMFS personnel in Gloucester, Massachusetts, in connection with the Scallop ByCatch program and proposed disaster assistance acquisitions.

AML Procurement

Fred Kopatich attend two SEB meetings at NIST to discuss evaluation procedures and perform technical evaluation of the proposals for NIST's Advanced Measurement Laboratory

CASC

Amy Pierce reviewed contracting officer's final decision to withhold money from final payment to a construction firm. The CO plans to offset amounts owed by the contractor to the government for consequential damages. The contractor negligently applied a sealer to the floors of an operational NWS facility which caused toxic fumes to be circulated throughout the building. As a result of the fumes, the building had to be evacuated for two days. Jennifer Robins is performing legal research on the issue of recovery of consequential damages.

CLD “Time to Complete”—2.3 Days

Actions by Contract Law Division during Period

Bureau	Received from 07/16/2000	Completed 07/29/2000
CENSUS	2	1
NIST	2	2
NOAA	10	8
PTO	2	1
Totals	16	12

Contract Law Division—Client Workload Period Ending 07/29/2000

